

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL TOTTEN,

Plaintiff,

-against-

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

JUDGMENT
05-CV- 1559 (JG)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 31 2005 ★

BROOKLYN OFFICE

An Order of Honorable John Gleeson, United States District Judge, having been filed on October 17, 2005, reversing the final decision of the Commissioner; remanding the action to the Commissioner of Social Security for further administrative proceedings with a de novo hearing and issuance of a new decision, pursuant to the fourth sentence of 42 U.S.C. § 405(g); and directing upon remand, the Administrative Law Judge will consider vocational expert testimony, apply 20 C.F.R. § 404.1527(d) to evaluate the clinical findings of treating physician Dr. Abraham F. Ward, and will consider any new medical evidence submitted by plaintiff; it is

ORDERED and ADJUDGED that the final decision of the Commissioner is reversed; that the action is remanded to the Commissioner of Social Security for further administrative proceedings with a de novo hearing and issuance of a new decision; and that upon remand, the Administrative Law Judge will consider vocational expert testimony, apply 20 C.F.R. § 404.1527(d) to evaluate the clinical findings of treating physician Dr. Abraham F. Ward, and will consider any new medical evidence submitted by plaintiff.

Dated: Brooklyn, New York
October 19, 2005

s/Robert C. Heinemann
ROBERT C. HEINEMANN
Clerk of Court